IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 11TH DECEMBER 2006 / 20TH AGRAHAYANA 1928

W.A.No.2258 of 2006

AGAINST THE JUDGEMENT IN W.P.(C).15303/2004 DATED 11/10/2006
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APPELLANT: PETITIONER:-

LAL MEMORIAL HOSPITAL,
MADAYIKONAM P.O., IRINJALAKUDA, THRISSUR DISTRICT,
REPRESENTED BY ITS DIRECTOR, DR.C.K.RAVI.

BY ADV. SRI.V.V.SIDHARTHAN

RESPONDENTS/RESPONDENTS:-
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1. KERALA STATE ELECTRICITY BOARD,
   VYDHYUDHI BHAVAN, PATTOM, THIRUVANANTHAPURAM,
   REPRESENTED BY ITS SECRETARY.

2. THE SECRETARY,
   KERALA STATE ELECTRICITY BOARD,
   VYDYUDHI BHAVAN, PATTOM,
   THIRUVANANTHAPURAM.

3. THE DEPUTY CHIEF ENGINEER,
   ELECTRICAL CRICLE, KERALA STATE ELECTRICILTY
   BOARD, IRINJALAKUDA.

4. THE ASSISTANT EXECUTIVE ENGINEER,
   ELECTRICAL SUB DIVISION,
   KERALA STATE ELECTRICITY BOARD, KARUVANNUR.

5. THE ASSISTANT ENGINEER,
   ELECTRICAL SECTION, KERALA STATE ELECTRICITY
   BOARD, KARUVANNUR.

BY SENIOR STANDING COUNSEL SRI.C.K.KARUNAKARAN.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 11/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

V.K.Bali,C.J. & C.N.Ramachandran Nair,J.

W.A.No.2258 of 2006

Dated, this the 11th day of December, 2006

JUDGMENT

V.K.Bali,C.J. (Oral)

The challenge in the present Writ Appeal is to the order dated 11th October, 2006 recorded in W.P.(C).No.15303 of 2004(V) passed by the learned Single Judge of this Court. The appellant, who was the petitioner in the original lis, is a hospital. The appellant was issued with a penal bill, Exhibit P12. The appellant filed a representation, which was rejected by order Exhibit P17. Thereafter the Board issued Exhibit P18, as corrected by Exhibit P19. It is Exhibits P12, P17 to P19 which were challenged in the writ petition. All that was urged before the learned Single Judge was that penalty could not be charged, but for a period of six months. This contention was repelled by observing that as per rules levy of penal charges fox six months applies to six months preceding the detection of the unauthorised load.

2. We have heard learned counsel for the appellant and examined the records of the case. There does not appear to be any illegality or impropriety in the order passed by the learned Single Judge. The appellant has to pay penal charges for the entire period till the load is regularised. No merits. Dismissed.

3. At this stage, learned counsel for the appellant prays that the appellant may not be asked to pay interest for the period the operation of the orders challenged in the writ petition remained stayed. We would not like to comment on this aspect and rather leave that issue open for the Electricity Board to consider. If the appellant files an application on that count, the same would be considered by the Board.

V.K.Bali
Chief Justice

C.N.Ramachandran Nair
Judge

vku/-